

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 25, 2007. Claims 1-15 were pending in the Application. In the Office Action, Claims 1-15 were rejected. Claims 16-20 were added. Thus, Claims 1-20 are pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

In the Office Action, the following actions were taken or matters were raised:

SPECIFICATION OBJECTIONS

The Examiner objected to the title of the invention. Applicants respectfully traverse the objection. In accordance with MPEP 606.01, Applicants respectfully submit that the title for the present application is indicative of the invention in which the claims are directed. (MPEP 606.01). For example, Claim 1 is directed towards a "network usage analyzer," and the title of the present application is "[s]ystem and method of network usage analyzer." Clearly, both the title and the claims are both related to the subject matter of a "usage analyzer" and a "network." Therefore, Applicants respectfully submit that the title is descriptive of the invention. Accordingly, Applicants respectfully request that the objection be withdrawn.

SECTION 102 REJECTIONS

Claims 1-2, 4-6 and 11-12 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,279,113 issued to Vaidya (hereinafter "*Vaidya*").¹ Applicants respectfully traverses this rejection.

Under 35 U.S.C. § 102, a claim is anticipated only if each and every element as set forth in the claim is found in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

¹ Applicant assumes that this rejection also applies to Claims 4, 5, and 11 as the Examiner addressed each of the Claims on Page 3, but did not specifically list these claims under the initial rejection on page 2 of the Office Action dated September 25, 2007.

Of the rejected claims, Claims 1, 6, and 12 are independent. Claim 1 recites “a network query client residing in a first network” and “a network query server residing in a second network protected by a firewall, the network query server operable to collect usage data associated with the second network and respond to at least one query regarding usage of the second network from the network query client” (emphasis added). In the Office Action, the Examiner appears to consider the data collector 10 located in remote network 24 of *Vaidya* to correspond to both the “network query server” and the “firewall” recited by Claim 1. (Office Action dated September 25, 2007, page 2 (stating “[d]ata collector 10 in network 24, as stated in the first paragraph of the detailed description, data collectors can be firewalls, in addition to their data collector functionality.”) In support, the Examiner cites to the first paragraph of the detailed description of *Vaidya* which states that “the function of a data collector can be included on other devices in the network, such as a server or a router/firewall/switch 20”. (*Vaidya*, Column 5, lines 10-12) (emphasis added). Applicants respectfully disagree. The above-referenced section of text of *Vaidya* appears to recite that the function of data collector 10 can be included in either “a server or a router/firewall/switch 20.” (*Vaidya*, Column 5, lines 10-12) (emphasis added). Thus, *Vaidya* does not appear to disclose a “network query server residing in a second network protected by a firewall” as recited by Claim 1. In fact, the cited portion of text appears to disclose nothing more than the function of the data collector 10 located in the network 11 may be incorporated into the router/firewall/switch 20, which is also located in the same network 11 of *Vaidya*. Therefore, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* anticipation rejection of Claim 1. Thus, for at least this reason, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Moreover, Applicants respectfully submit that *Vaidya* does not disclose or even suggest all the limitations of Claim 1. For example, if the data collector 10 in remote network 24 of *Vaidya* is considered to correspond to the “network query server residing in a second network” as proposed by the Examiner, Applicants respectfully submit that *Vaidya* does not appear to disclose or even suggest that the remote network 24 of *Vaidya* comprises a “network query server protected by a firewall” as recited by Claim 1. In fact, the only firewall disclosed in Figure 1 of *Vaidya* appears to be the router/firewall/switch 20, which is a firewall disposed in a different network, specifically network 11. (*Vaidya*, Figure 1). Therefore, Applicants respectfully submit that *Vaidya* does not disclose “a network query server residing in a second network protected by a firewall” as recited by Claim 1.

Claim 6 recites “establishing a communication channel between a network query client residing in a second network and a network query server residing in the first network protected by a firewall,” “receiving, by the network query server, at least one network usage query from the network query client,” “collecting, by the network query server, information requested by the network usage query,” and “sending, by the network query server, the collected information to the network query client” (emphasis added). For at least the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claim 6 is also patentable over *Vaidya*.

Claim 12 recites “establishing a communication channel between a network query client residing in a second network and a network query server residing in the first network protected by a firewall,” “sending, by the network query client, at least one network usage query to the network query server,” and “receiving, by the network query client, information related to the network usage query collected by the network query server” (emphasis added). For at least the reasons discussed above in connection with independent Claim 1, Applicant respectfully submits that Claim 12 is also patentable over *Vaidya*.

Claims 2-5 and 11 depend from respective independent Claims 1 and 6 and, therefore, are also patentable over *Vaidya* at least because they incorporate the limitations of respective Claims 1 and 6 and also recite additional limitations that further distinguish *Vaidya*. Accordingly, Applicants respectfully request that the rejections of Claims 1-2, 6, and 12 under 35 U.S.C. 102(b) be withdrawn.

SECTION 103 REJECTIONS

Claims 3, 7-8 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaidya* as applied to claims 1, 6 and 12 and further in view of “SOAP” The Simple Object Access Protocol by Skonnard (hereinafter “*Skonnard*”). Claims 9 and 14 were rejected under 35 USC §103(a) as being unpatentable over *Vaidya* as applied to claims 1 and 12 and further in view of U.S. Patent No. 5,978,478 issued to Korematsu (hereinafter “*Korematsu*”). Claim 10 was rejected under 35 USC §103(a) as being unpatentable over *Vaidya* and *Korematsu* as applied to claims 6 and 9 and further in view of U.S. Patent Publication No. 2002/0049909 issued to Jackson et al. (hereinafter “*Jackson*”). Claim 15 was rejected under 35 USC §103(a)

as being unpatentable over *Vaidya* as applied to claim 12 and further in view of U.S. Patent No. 7,137,139 issued to Smith (hereinafter "*Smith*"). Applicants respectfully traverse these rejection.

Vaidya in view of Skonnard: Claims 3, 7-8, and 13

Claims 3, 7-8 and 13 depend from respective independent Claims 1, 6 and 12. As shown above, Claims 1, 6, and 12 are patentable over *Vaidya*. Therefore, for at least this reason, Claims 3, 7-8 and 13 which depend from respective independent Claims 1, 6 and 12 are also patentable over *Vaidya*. *Skonnard* does not appear to remedy at least the deficiencies of *Vaidya* indicated above. Accordingly, for at least this reason, Applicant respectfully submits that Claims 3, 7-8 and 13 are patentable over the references.

Vaidya in view of Korematsu: Claims 9 and 14

Claims 9 and 14 depend from respective independent Claims 6 and 12. As shown above, Claims 6 and 12 are patentable over *Vaidya*. Therefore, for at least this reason, Claims 9 and 14 which depend from respective independent Claims 6 and 12 are also patentable over *Vaidya*. *Korematsu* does not appear to remedy at least the deficiencies of *Vaidya* indicated above. Accordingly, for at least this reason, Applicant respectfully submits that Claims 9 and 14 are patentable over the references.

Vaidya and Korematsu in view of Jackson: Claim 10

Claim 10 depends from respective independent Claim 6. As shown above, Claim 6 is patentable over *Vaidya*. Also as shown above, Claim 9 is patentable over the combination of *Vaidya* and *Korematsu*. Therefore, Claim 10 is patentable over *Vaidya* at least because Claim 10 depends from independent Claim 6. At least for the reasons in connection with Claim 9, Claim 10 is also patentable over the combination of *Vaidya* and *Korematsu*. *Jackson* does not appear to remedy at least the deficiencies of *Vaidya* and *Korematsu* indicated above. Accordingly, for at least this reason, Applicant respectfully submits that Claim 10 is patentable over the references.

Applicants also respectfully disagree with the Examiner's assertion that "the concept of periodically renewing authentication is well-known in the art as taught by *Jackson*." (Office Action dated September 25, 2007, page 5). For example, *Jackson* appears to disclose a

gaming platform which is configured to continuously or in specified intervals check the authentication of the data set and program files associated with the game. (*Jackson*, page 9, paragraph 0085). The data set in *Jackson* appears to be associated with the integrity of the data within the gaming platform of *Jackson*. (See *id.*) (emphasis added). Nowhere in *Jackson* does there appear to be any disclosure or even suggestion of authentication information associated with network usage queries, let alone "periodically receiving...authentication information from the network query client" and "sending...authentication approval to the network query client in response to the periodically received authentication information" as recited by Claim 10. Therefore, contrary to the Examiner's assertion, Applicants respectfully submit that *Jackson* does not disclose that the aforementioned limitation is well-known. Therefore, Applicants respectfully submit that *Jackson* does not appear to disclose or even suggest the limitation relied on by the Examiner. As shown above, Claim 10 is patentable over the combination of *Vaidya* and *Korematsu*. Accordingly, Applicants respectfully submit that Claim 10 is patentable over the combination of *Vaidya*, *Korematsu*, and *Jackson*.

Vaidya in view of Smith: Claim 15

Claim 15 depends from respective independent Claim 12. As shown above, Claim 12 is patentable over *Vaidya*. Therefore, Claim 15 is patentable over *Vaidya* at least because Claim 12 depends from independent Claim 6. *Smith* does not appear to remedy at least the deficiencies of *Vaidya* indicated above. Accordingly, for at least this reason, Applicant respectfully submits that Claim 15 is patentable over the references.

NEW CLAIMS

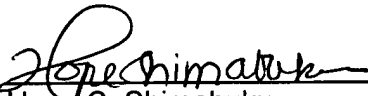
Applicants add new Claims 16-20. New Claims 16-17 depend from independent Claim 1, new Claim 18 depend from independent Claim 6, and new Claims 19-20 depend from independent Claim 12. New Claims 16-20 are patentable over the cited references at least because they incorporate the limitations of respective Claims 1, 6, and 12 and also recite additional limitations that further distinguish the references. No new matter has been added. Therefore, Applicants respectfully submit that new Claims 16-20 are allowable.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

No fee is believed due. If, however, Applicants have/has miscalculated the fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

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